

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO.

Plaintiff.

V.

NICOLE SOLANO dba Chalio's Fresno, et al..

Defendants.

No. 1:24-cv-00373-KES-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DECLINING
SUPPLEMENTAL JURISDICTION OVER
PLAINTIFF'S STATE LAW CLAIMS

(Doc. 9)

Plaintiff Jose Escobedo seeks to hold the defendants liable for violations of Title III of the Americans with Disabilities Act, California’s Unruh Act, and California Health and Safety Code §§ 19955, 19959. *See* Doc. 1. Following an order to show cause regarding jurisdiction, the assigned magistrate judge issued findings and recommendations recommending the Court decline to exercise supplemental jurisdiction over Plaintiff’s state law claims and dismiss them without prejudice pursuant to 28 U.S.C. § 1367(c)(4). Doc. 9.

The findings and recommendations were served on Plaintiff on April 15, 2024, and provide that any objections must be filed within 14 days of the date of service.¹ Doc. 9 at 7. Plaintiff was informed that the “failure to file objections within the specified time may result in the waiver of rights on appeal.” *Id.* (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)). No objections were filed, and the time to do so has expired. See Docket.

¹ Defendants have not yet appeared in the action. (See Docket.)

1 Pursuant to 28 U.S.C. § 636(b)(1), the Court conducted a *de novo* review of the case.
2 Having carefully reviewed the entire matter, the Court concludes the findings and
3 recommendations are supported by the record and proper analysis. Accordingly, the Court

4 **ORDERS:**

5 1. The findings and recommendations issued on April 15, 2024, Doc. 9, are
6 **ADOPTED** in full.

7 2. The Court **DECLINES** to exercise supplemental jurisdiction over Plaintiff's
8 claims arising under California's Unruh Act and Cal. Health & Safety Code
9 §§ 19955 and 19959.

10 3. Plaintiff's claims for violations of the Unruh Act and Cal. Health & Safety Code
11 §§ 19955 and § 19959 are **DISMISSED** without prejudice.

12 4. This matter is referred to the assigned magistrate judge for further proceedings.

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15 IT IS SO ORDERED.

16 Dated: June 17, 2024



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UNITED STATES DISTRICT JUDGE